

THE  
TRYAL  
AND  
CONVICTION

OF  
S<sup>r</sup>. Sam. Bernardiston, Bar<sup>t</sup>.

FOR  
HIGH-MISDEMEANOR

AT  
The Session of *NISI PRIUS*,

Holden at

GUILD-HALL, LONDON,  
For his Majesties Court of KINGS BENCH,

Before the Right Honorable

Sir George Jeffreys,  
KNIGHT and BARONET,  
Lord Chief Justice of *ENGLAND*,

On *Thursday*, Feb. 14. 1683.

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L O N D O N:

Printed for *Benjamin Tooke*, at the Ship in S. Pauls  
Church-Yard, 1684.

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**I** Do Appoint *Benjamin Tooke* to  
Print the **TRYAL** of  
*Sir Samuel Bernardiston*, Baronet;  
and order that no other Person pre-  
sume to Print the same.

*Geo. Jeffreys.*

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 GUILD-HALL, LONDON.

**T**Here being in *Hillary* Term last an information  
 in the Court of Kings-Bench preferred by his  
 Majesties Attorney General against Sir *Samuel*  
*Bernardiston*, for a very great Misdemeanor;  
 upon Oath made that he was so extreamly indisposed,  
 that he could not appear in Person without danger of his  
 life: the Court were pleased to respite his Recognizance,  
 B (which

History of the Court of Kings-Bench 10 Dec 1814

## The Tryal of

(which he by order of the Lords of his Majesties most Honourable Privy Council, entered into the last Vacation to appear in this Court the First day of this Term, ) and to allow him the liberty of Pleading to the Information by Attorney, which he did. And *Thursday* the 14th. of *February*, 1683. being the Session of *Nisi Prius* after the Term holden for the City of London and Countrey of the same, was appointed for the Tryal of this Cause, and accordingly then the same came on, and was tryed before the Right Honourable Sir *George Jeffreys*, Knight and Baronet, Lord Chief Justice of his Majesties Court of Kings-Bench, in this manner.

*Clerk.* Call away *Cryer*.

*Cryer.* You good men of *Nisi prius*, summoned to appear here this day between our Sovereign Lord the King, and Sir *Samuel Bernardiston*, Baronet, answer to your Names and save your Issues.

*Cl.* *Thomas Vernon* and his Fellows. *Vous avez plein Inquest.* Call the Defendant Sir *Samuel Bernardiston*.

*Cryer.* Sir *Samuel Bernardiston*, come forth or this Inquest shall be taken by your default.

*Mr. Williams.* He appears.

*Cl.* Gardez vostres Challenges. Swear *Thomas Vernon*.

*Cr.* You shall well and truly try this Issue between our Sovereign Lord the King, and Sir *Samuel Bernardiston* according to your Evidence. So help you God.

*Cl.* *Percival Gilburn*, who was Sworn, and so the rest.

The

Sir Samuel Bernardiston, *Baronet.*

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The Names of the Twelve were these.

*Thomas Vernon,*  
*Percival Gilburn,*  
*Edward Bovery,*  
*William Withers, Sen.*  
*James Wood,*  
*Robert Masters,*  
*Samuel Newton,*  
*George Torriano,*  
*Kenelm Smith,*  
*Thomas Goddard,*  
*Thomas Amy and*  
*Richard Blackburn.*

} Jur.

Then they were counted, and Proclamation made for Information in usual manner.

Mr. Poultney. May it please your Lordship, and you Gentlemen of the Jury; this Cause is between the King and Sir Samuel Bernardiston, and it is upon an Information exhibited by Mr. Attorney General, wherein he sets forth, That there having been lately a Horrid Plot discovered (as appears by the Convictions of those that have suffered justly for it, and by the Evidence that has been given of it, has been made so apparent, that I do not question, but that no man but who either has a hand in it, or else bears a good will to it, doth at all scruple the belief of it) Sir Samuel Bernardiston the Defendant intending to scandalize and vilifie the Evidence, wrote a Letter wherein are contained these Sentences.

The

The return of the Duke of Monmouth to White-Hall, and his being received into extraordinary Favour of his Majesty, hath made a strange alteration of affairs at Court; for those that before spake of him very indecently, now court, cringe and creep to him. His Grace complained to the King of the scandalous misrepresentation that was made of him in the Mondays Gazette, upon which the Gazer was called to account for it, who alledged for himself, that a Person of great Quality sent him in writing the words therein recited, commanding him to put them in the Gazette. Yesterday being the last day of the Term, all the Prisoners that were in the Tower upon the late Sham Protestant Plot, were discharged upon Bail. Mr. Bradon who prosecuted the Murther of the Earl of Essex, the Information put in against him in the Kings-Bench by Mr. Attorney for a pretended Subornation &c. was not prosecuted, and his Bail was discharged. And the passing Sentence upon the Author of Julian the Apostate, and the Printer of the late Lord Russels Speech was passed over with silence. Great applications are made to his Majesty for the pardoning Mr. Sidney in the Tower, which is believed will be attained, and that he will be banished. The Lord Howard appears despicable in the eyes of all men; he is under guard at White-Hall, and 'tis believed will be sent to the Tower, for that the Duke of Monmouth will accuse him concerning the Testimony he hath given, and the Papists and High Tories are quite down in the mouth, their Pride is abated, themselves and their Plot confounded, but their Malice is not asswaged. 'Tis generally said the Earl of Essex was murdered. The brave Lord Russel is afresh lamented. The Plot is lost here, except you in the Country can find it out amongst the Adressers and Abhorrrers. This sudden turn is an amazement to all men, and must produce some strange events, which a little time will shew.

And then he goes on further, and saies in another Letter these words.

I am to answer yours of the 27 and 29th. past, and truly I cannot but with great sorrow lament the loss of our good Friend honest Mr. John Wright, but with patience we must submit to the Almighty, who can as well raise up Instruments to do his work, as change hearts, of which we have so great an instance in the business of the



the Duke of Monmouth, that no Age or History can parallel. I am now thoroughly satisfied, that what was printed in the Mondays Gazette is utterly false, and you will see it publickly declared so shortly. The King is never pleased but when he is with him, hath commanded all the Privy Council to wait upon him, and happy is he that hath most of his favour. His Pardon was sealed and delivered to him last Wednesday. 'Tis said he will be restored to be Master of the Horse, and be called into the Council Table, and to all his other places, and 'tis reported he will be made Captain General of all the Forces, and Lord High Admirat, &c. he treats all his old Friends that daily visit him with great Civilities, they are all satisfied with his integrity, and if God spares his life, doubt not but he will be an Instrument of much good to the King and Kingdom. He said publickly, That he knew my Lord Russel was as Loyal a Subject as any in England, and that His Majesty believed the same now. I intend shortly to wait on him my self. It would make you laugh to see how strangely our High-Tories and Clergy are mortified, their Countenances speak it. Were my Shesorary to be moved for now it would be readily granted. Sr. George is grown very humble: 'Tis said Mr. Sidney is reprieved for 40 dayes, which bodes well.

And then, Gentlemen, he goes on further, and in a third Letter sayes,

The late change here in publick affairs is so great and strange, that we are like men in a dream, can hardly believe what we see, and fear we are not fit for so great a mercy as the present juncture seems to promise. The Sham Protestant-Plot is quite lost and confounded. The Earl of Mackensfield is bringing Actions of Scandalis Magnatum against all the Grand Jury-men that indicted him at last Assizes.

L. Ch. J. That is the only true thing in the whole.

Mr. Poultney reads——And the several Gentlemen that were indicted in Cheshire and Northamptonshire will bring their several Actions at Law against them.

And, Gentlemen, then in a fourth Letter are contained these Expressions.



*Contrary to all mens expectations, a Warrant is signed at last for beheading Col. Sidney at Tower-Hill next Friday. Great endeavours have been used to obtain his Pardon, but the contrary Party have carried it, which much dasheth our hopes, but God still governs.*

Gentlemen, all this the Information saies, he has done against the peace of the King, his Crown and Dignity. To this he has pleaded Not Guilty. We will call our Witnesses, and if we prove it, we question not but you will find him Guilty.

Mr. Recorder. May it please your Lordship and you Gentlemen of the Jury; I am of Counsel for the King in this cause. Upon the opening of these Letters to you, you cannot but wonder much more than he does that wrote them. His matter of wonder was one way, and I suppose your matter of wonder is another way, that a man, such an one as he is, should have that confidence to write such Letters as these are. Gentlemen, I do not doubt but you observe in the Series of these Letters how he hath travelled through all the transactions of this horrid Conspiracy, that was of late contrived against the life of the King, and the life of his Royal Highness, and for the destruction of the Government; and how he does endeavour to turn it all into ridicule, and to magnifie the men, that have come to publick Justice for being concerned in that horrid Conspiracy, as being very brave men. The brave Lord *Russel* he is lamented as a brave man lost; The Earl of *Essex*, he forsooth was murdered, and Mr. *Bradden* who prosecuted that murther, he is a brave man, whom I suppose some of you have heard of, and what is become of him, how he is convicted of one of the most notorious Facts that ever was acted by man in any Civil Government, which was that *Bradden* should go up and down to get witnesses to make it appear to the World, as though somebody had murdered that Earl. Thus you see he goes through the Conspiracy from one thing to another, and calls it a Sham Protestant-Plot, and all to ridicule the discovery, which by these very Letters you may easily be satisfied of the reality and extent of. You see how he magnifies his *Julian*, but he  
• likewise

Sir Samuel Bernardiston, *Baronet.*

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likewise is come to condign punishment for that most pernicious and scandalous Libel. In the next place he comes to the Duke of *Monmouth*, and tells you what a brave man they have in him, to be their Captain General, and he did not doubt but to see him come to it; and sets forth that he has denied all the Plot, and how he doth persist in that denial. And this Gentleman has raised his confidence in these Letters to that degree, that I think, any man that has lived any time in this Nation, cannot but wonder, that ever there should be such an impudent action committed in it. Gentlemen, we shall call our Witnesses and prove it positively upon him, that these Letters he did write, and then I suppose he will give an account how he came to write them.

Mr. *Herbert*. May it please your Lordship, and you Gentlemen of the Jury. I have but one word which I desire to observe; for the opening of the Case, and a right understanding of the matter will have a great influence upon the proofs. And I shall not insist upon any thing that has been opened at large out of the Letters, but one thing I would observe to you, and that is out of the last Letter. *Great endeavours have been used to obtain his pardon, but the contrary Party have carried it, which much dasheth our hopes.* So it seems by this that the Faction, the Party, have their hopes still, and it seems likewise the Writer of these Letters, hath a very great share in them. We have Gentlemen, nothing to do here before you, but to prove that Sir Samuel Bernardiston was the Author, Writer and Publisher of the Letters, which contain that which is charged in the Information, and that we question not but to prove clearly without contradiction.

Call Mr. *Blathwait*.

(who was sworn.)

Mr. *Herbert*. Pray give in the Letters.

(which was done)

Mr. *Recorder*. Pray Sir, look upon those Letters, and give the Court and the Jury an account where you had them.

*Mr. Blathwait.* Gentlemen of the Jury, these three Letters Sir Samuel Bernardiston upon the 10th. of December, before the King and the Lords of the Council did own to be of his hand-writing. I marked them at that instant of time, and I am well assured they are the Letters he owned to be of his hand-writing.

*Mr. Williams.* Did he own them to be of his hand-writing?

*Mr. Blathwaite.* Yes.

*L. Ch. J.* Did he own them all three?

*Mr. Blathwaite.* Yes, my Lord, he did.

*Mr. Williams.* Pray Sir, who are they directed to?

*L. Ch. J.* *Mr. Williams,* He is informed against for writing not for superscribing.

*Mr. Williams.* My Lord, I ask that question for this reason, He is indicted for writing and publishing, therefore I would know who they are directed to.

Did he say they were published by him, or sent to any one?

*Mr. Blathwaite.* He did not deny but that he had published and sent them.

*Mr. Williams.* Did he confess it?

*Mr. Blathwaite.* He did not deny it.

*L. Ch. J.* I suppose they on the other side will give an account where they were taken.

*Mr. Herbert.* Yes my Lord. Swear *Mr. Atterbury.*  
(which was done)

*Mr. Recorder.* Hark you, *Mr. Atterbury,* do you know any thing of these Letters?

*M. Atterbury.*



*Mr. Atterbury.* If you please to let me see them, Sir.

*Mr. Recorder.* Shew him them (*which was done, and he looked upon them, and gave them in again.*)

*Mr. Herbert.* Did you hear Sir Samuel Barnardiston own them to be his Letters?

*Mr. Atterbury.* My Lord, and you Gentlemen of the Jury, I had a Warrant from *Mr. Secretary Jenkyns*, about two months, or ten weeks ago, to apprehend Sir Samuel Barnardiston, and I did, according to Order, by Vertue of that Warrant, apprehend him, and carry him before His Majesty. When he was there, those three Letters I had just now in my hand, were then shewn to Sir Samuel Barnardiston. I marked them, and know them to be the same; Sir Samuel Barnardiston did own he wrote them Letters all three.

*L. Ch. Just.* Were the Superscriptions upon them all, as they are now?

*Mr. Atterb.* Yes, they were all as they are now.

*L. Ch. Just.* What say you, *Mr. Blathwaite*?

*Mr. Blathwaite.* Yes, they were just so, the same Superscriptions.

*Mr. Atterb.* His Majesty asked him, Who subscribed them? ----

*L. Ch. Just.* Superscribed them, thou meanest, they are not subscribed.

*Mr. Atterb.* Yes, my Lord, superscribed them; and he looked on them once again, and said, They were superscribed by one of his Servants, and so ordered to be carried to the *Post-House*.

*Mr. Recorder.* Where is *Nehemiah Osland*?

*Jury-man.* My Lord, We would ask the Witness, Whether he did own, that he sent them to the *Post-House*?

*L. Ch. Just.* He says he ordered his Man to superscribe them, and so to carry them to the *Post-House*.

*Mr. Williams.* Look you, *Mr. Atterbury*, Did he say he directed any of his Servants to carry them to the *Post-House*, upon your Oath?

*Mr. Atterb.* I am upon my Oath, Sir; I say, that he did say, that they were superscribed by some of his Servants, he could not say which of his Servants it was, and then they were sent to the *Post-House*.

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*Mr.*

*Mr. Williams.* Pray, Sir, mind, and answer my Question, Did he say he directed any of his Servants to carry them to the *Post-House*?

*L. C. Just.* Did he take any Notice to you, or did you understand by him, that they were sent to the *Post-House* by his consent?

*Mr. Atterbury.* Yes, my Lord, I did understand him so.

*L. C. Just.* Did he write these Letters to keep them in his Pocket, do you think, *Mr. Williams*?

*Mr. Williams.* I do not know what he design'd them for, my Lord; nor do I yet know, till they are read, what is in them.: But I ask him this Question, Did he say he sent them to the *Post-House*?

*Mr. Atterb.* With your leave, I remember one thing more, my Lord; while he was in my House, (for there he was in Custody two days or more) talking about these Letters, says he, I wonder how they were taken, they were sent to Sir Skippon, or some such Name he named.

*Mr. Recorder.* Swear *Nehemiah Osland*.

(which was done.)

*Mr. Herbert.* Look upon those Letters, Sir, shew him them.

(which was done.)

*L. Ch. Just.* Is this man's Name *Osland*?

*Mr. Recorder.* Yes, *Nehemiah Osland*. Do you know any thing of those Supercriptions?

*Osland.* Two of those Supercriptions I writ by his Order as his Servant.

*Mr. Recorder.* Which are those two? Then he gave them into the Court.

*L. C. Just.* Can you tell whose Hand is the other part?

*Osland.* I did not see it writ, but the Hand is somewhat like Sir Samuel Bernardiston's Hand.

*L. Ch. Just.* You believe it to be his Hand.

*Osland.* Yes, I do.

*Mr. Williams.* Did you ever see the Inside of those Letters that you say you supercribed?

*Osland.* No, I never saw the Inside.

*L. Ch. Just.* What Directions had you about them, after you had supercribed them?

*Osland.*



*Osland.* I had no direction but to leave them where I used to leave his Letters, and that was in a Window that Sir Samuel Barnardiston always left his Letters in, and from thence one of the Boys used to carry them to the Post-house.

*Mr. Williams.* Sir, Did Sir Samuel order you to superscribe those three Letters, and send them to the Post-house?

*L. Ch. Just.* He said he superscribed them by his Command, and left them in the place that Letters used to be laid that were to go to the Post-house.

*Mr. Recorder.* Pray Sir look upon those Letters again.

*L. Ch. Just.* Whose hand is the Superscription? Is that Sir Samuel's too?

*Osland.* I believe it Sir Samuel's hand.

*L. Ch. Just.* Shew that other Letter to Mr. Blathwaite: hat say you to it Sir?

*Mr. Blathwaite.* Gentlemen of the Jury: This is another Letter that was seized and brought before the King and the Lords of the Council, and this Letter was afterwards owned by *Osland*, to be writ by him by Sir Samuel Barnardiston's order.

*L. Ch. Just.* Did Sir Samuel own this Letter to be his Hand-writing too?

*Mr. Blathwaite.* No, he did not, but *Osland* did own it.

*Mr. Recorder.* My Lord, We prove it otherwise to be Sir Samuel's Letter, because it is not his hand but his Mans. You *Osland*, Do you know who writ that Letter?

*Osland.* I writ it.

*Mr. Recorder.* By whose order?

*Osland.* I transcribed it out of a Copy given me by Sir Samuel Barnardiston, as I was his Servant.

*L. Ch. Just.* And did you write the Superscription too?

*Osland.* Yes, I writ the Superscription.

*L. Ch. Just.* In order to what? To go down into the Country too?

*Osland.* In order to go where it was directed, my Lord.

*L. Ch. Just.* Where was that?

*Osland.* Into Suffolk to Sir Philip Skippon.

*L. Ch. Just.* This Letter was written at London, was it not?

*Osland.*

*Osland.* In *Bishopsgate-street* at *Sir Samuel's House*.

*Mr. Williams.* What is your name Sir ?

*Osland.* My name is *Osland*.

*Mr. Williams.* Your Christian name ?

*Osland.* *Nehemiah*.

*Mr. Williams.* Then, *Nehemiah Osland*, I ask you this Question upon your Oath, when these Letters were superscribed by you, did you lay them in that Window you speak of, or did you give them back again to *Sir Samuel* ?

*Osland.* Sir, I am not so certain as to swear to these particular Letters ; but his usual Custom was, He would write a Letter, and then give it me to Copy : his Closet door was near another Window, and there he would leave it. If it were but one Letter, he would use to say, direct such a Letter to such a person, or such a place, and when it was so directed, I was used to put my Letters there, and thence one of the Boys came and fetched them to carry them to the Post-house. But sometimes he would send me down directly with it away to the Post-house, if he had not any other business for me to do.

*Mr. Williams.* But Sir, mind the question. I ask you again : Did you deliver these Letters, or any of them back again to *Sir Samuel Barnardiston*, or no ?

*Osland.* I cannot tell for these particular Letters. I tell you what the usual Custom was in the House.

*Mr. Williams.* Pray when you had superscribed them, or *Sir Samuel*, what became of them Letters ?

*Osland.* They went to the Post-house, as I believe.

*Mr. Williams.* How long have you served *Sir Samuel Barnardiston* ?

*Osland.* Five months.

*Mr. Williams.* Did you serve any Body before ?

*Osland.* No.

*Mr. Recorder.* Why, Do you think he doth not serve him well now, *Mr. Williams* ?

*Mr. Williams.* I know very well what I think of it *Mr. Recorder*.

*L. Ch. Just.* Well, come read them.

*Clerk reads---* *This is directed to Sir Philip Skippon Knight, at Ipswich, and dated Novemb. 29. 83.*

(Reads) *Sir, The Return of---*

Mr.

Mr. Williams. That is not Sir Samuels hand, I think.

L. Ch. Just. No, but writ by his Order.

Osland. I transcribed it by his special Order: For he came to me and gave me a Letter, says he, Go and make a Copy of this Letter.

Mr. Recorder. And you did transcribe it exactly as it was in the Paper he gave you?

Osland. I examined it after I had writ it my self, and read it over again.

L. Ch. Just. What did you write it out of?

Osland. A Copy he gave me.

L. Ch. Just. Was that Copy his Hand-writing?

Osland. I did not see him write it, but I believe it to be his writing.

L. Ch. Just. Come read it.

Clerk reads---

Sir,

*The return of the Duke of Monmouth to White-Hall, and his being received into extraordinary favour of His Majesty, hath made a strange alteration of Affairs at Court: For those that before spake of him very indecently, now court, cringe, and creep to him. His Grace complained to the King of the scandalous misrepresentation that was made of him in the Mondays Gazette, upon which the Gazetter was called to accompt for it, who alleadged for himself, That a Person of great Quality sent him in writing the Words therein recited, commanding him to put them in the Gazette.*

*Yesterday being the last day of the Term, all the Prisoners that were in the Tower upon the late sham Protestant Plot, were discharged upon Bail. Mr. Bradden, who prosecuted the murder of the Earl of Essex, the Information put in against him in the Kings Bench by Mr. Attorney (for a pretended subornation) &c. was not prosecuted, and his Bail was discharged. And the passing Sentence upon the Author of Julian the Apostate, and the Printer of the late Lord Russel's Speech, was passed over with silence. Great applications are made to his Majesty for the pardoning Mr. Sidney in the Tower, which is believed will be attained, and that he will be banished.*

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This sudden turn is an amazement to all men, and must produce some strange Events, which a little time will shew.

Mr. Recorder. Now, go on to the next. The second Letter.

Clerk. Reads--- This is directed, To Sir Philip Skippon Knight, at Ipswich, Suffolk.

L. Ch. Just. That is one of his own writing.

Mr. Recorder. Yes, my Lord.

Clerk. It is dated London the primo December, 1683.

Dear Sir,

I am to answer Yours of the 27th and 29th past, and truly I cannot but with great sorrow lament the loss of our good Friend honest Mr. John Wright, but with patience we must submit to the Almighty, who can as well raise up Instruments to do his Work, as change Hearts, of which we have so great an Instance in the business of the Duke of Monmouth, that no Age or History can parallel. I am now thoroughly satisfied, that what was Printed in the Mondays Gazette is utterly false, and you will see it publickly so declared shortly. The King is never pleased but when he is with him, hath commanded all the Privy Council to wait upon him, and happy is he that hath most of his favor. His Pardon was sealed and delivered to him last Wednesday. 'Tis said, he will be restored to be Master of the Horse, and be called into the Council Table, and to all his other Places. And 'tis reported, he will be made Captain General of all the Forces, and Lord High Admiral, &c. He treats all his old Friends that daily visit him, with great Civilities; they are all satisfied with his Integrity, and if God spare his Life, doubt not but he will be an  
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*Instrument of much good to the King and Kingdom. He said publicly, that he knew my Lord Russel was as Loyal a Subject as any in England, and that His Majesty believed the same now. I intend shortly to wait on him my self. It would make you laugh to see how strangely our high Tories and Clergy are mortified their Countenance speaks it. Were my Shesorary to be moved, for now it would be readily granted. Sir George is grown very humble. 'Tis said Mr. Sidney is reprieved for 40 days, which bodes well.*

*Mr. Kedder sat with me sometime this Evening.*

*L. Ch. Just.* There is no more in the Record.

*Mr. Recorder.* No my Lord. Then go on to the third.

*Clerk.* This is directed, *For Mr. Edward Gael, Linnen Draper at Ipswich.*

*Mr. Williams.* Is it likely he should write these Letters to a Draper?

*L. Ch. J.* It is, it seems, the ordinary riff-raff he writes. He thinks it not below him to keep a Correspondence with all the scoundrels of his Party in the Country.

*Mr. Recorder.* Ay, all sorts of Trades he is acquainted with.

*Clerk.* It is dated the *primo December, 1683.*

*Reads-- Mr. Gael*

*This Evening Mr. Kedder came and sat with me---*

*L. Ch. J.* Will you have it all read?

*Mr. Williams.* No, my Lord, we do not desire it.

*L. Ch. J.* Then read what is in the Record.

*Mr. Recorder.* Look where that Passage begins, *The late Change.--*

*Clerk.* Where is it Sir? It is not marked.

*L. Ch. J.* If you cannot find it out, then read the whole.

*Clerk.* *Reads---*

*Mr. Gael,*

*This Evening Mr. Kedder came and sat with me, when acquainted him what you and others writ me in reference to himself,*  
as



as also of the Death of Mr. Wright, which he was sorry for. He protested, if could persuade his Wife, he would accept of Ipswich choice, notwithstanding all the Discouragement he had met with. One more he acquainted me with, that had seen a Letter from Mr. Cutliffe to Dr. Clegat, extreemly discouraging him from coming to Ipswich, where if he did come, said, would find himself mistaken, for that would never enjoy quietness or peace, notwithstanding his Balsamick temper, &c. as he call'd it. These things frights Mr. Kedder, who I am now persuading so soon as is up again, to go down for a month or two, and then if doth not like the place and people, may return hither again. This I resolve to press hard on Monday, when have promised to Dine with me, as also Mr. Hodges. Be confident, I shall think nothing too much to effect this Business, though one or other still pulls down as fast as I build up---Here is now a Door of Incouragement opened for sober men to come into publick Employment. You will undo the Town of Ipswich if you bring not sober men into play: For Gods sake consider of it. Perswade Mr. Snelling, or some sober men, to come in their two Ports-mens places void for other matters, refer you to Sir P. the late Change here in Publick Affairs, is so great and strange.

L. Ch. J. There begins the Passage in the Record.

Clerk reads---The late Change here in Publick Affairs is so great and strange, that we are like men in a Dream, can hardly believe what we see, and fear we are not fit for so great a mercy as the present Juncture seems to promise. The Earl of Macclesfield is bringing Actions of Scandalis Magnatum against all the Grand Jury-men that Indicted him at last Assizes. And the several Gentlemen that were Indicted in Cheshire and Northamptonshire, will bring their several Actions at Law against them. Acquaint Mr. Snilling---

L. Ch. J. There is all that is in the Record.

Mr. Recorder. There are but two Lines more.

Clerk reads--- Acquaint Mr. Snilling we received the two Barrells of Oysters, and two Couple of Ducks, and desire him to take mony of Buckle for them. I rest,

Yours.

Mr. Re-

Mr. Recorder. Now go on to the next.

Clerk. This is the fourth Letter: It is directed to Mr. William Cavell, at Brightwell near Ipswich in Suffolk, and dated London the 4th of December, 1683. Shall I read it all?

L. Ch. J. No, no: If you can find that part that is in the Record, *Contrary to most mens expectations*, there it begins.

Clerk. Reads---*Contrary to most mens expectations a Warrant is Signed at last for Beheading Colonel Sidney at Tower-hill next Friday. Great endeavors have been used to obtain his Pardon, but the contrary Party have carryed it, which much dasheth our hopes, but God still governs. Acquaint Buckle.*—

L. Ch. J. There is all.

Clerk. Here is but a line more (reads) *Acquaint Buckle, here is no news of Crafton Hoy, notwithstanding the wind is fair, 'tis his practice always to loyter by the way. I rest,*

Your loving Friend.

Mr. Williams. Pray let me see that Letter.

Mr. Recorder. We have done, my Lord, we leave it here.

L. Ch. J. Well, what say you to it that are for the Defendant?

Mr. Williams. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel here for the Defendant Sir Samuel Barnardiston, and the question now before you is, Whether this Gentleman be knowingly guilty of the writing and publishing these four Letters that have been read here to you, and which of them he is guilty of writing, and which not? I do not see that his name is put to any of them, nay, the Letters are not subscribed by any body, and that, Gentlemen, you may see by looking upon the Letters. For the Evidence that hath been given, I beseech your Lordship to observe what it is. As to his publishing of them I see no Evidence at all to prove him any way

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concerned in that : some of them indeed are his own hand writing, and proved to be his Letters, by his own confession before the King and Council ; that Mr. *Blathwaite* and Mr. *Atterbury* the Messenger swear directly, That Sir *Samuel Barnardiston* did own the Letters, but for the fourth they say he did disown that to be his Letter, and it is not so much as his hand ; but what proof is it they have brought to apply this to him ? You see what a sort of proof is made : They produce you here a young man that was (as it hapned) his Servant at this time, and lived in his Family with him in the nature of a Secretary, it seems ; and how fit he was to be entertained in that Quality, you I question not observe. He says, he did Copy this Letter by the direction of his Master. It is well if he did not keep a Copy himself by him of such a Letter as this for a particular use, as some honest Servants have done before now, that have designed somewhat of advantage to themselves : But that is his Evidence about this fourth Letter. That then Gentlemen which we would offer on behalf of the Defendant, is this, Whether there be any Evidence of the publishing of these Letters by Sir *Samuel Barnardiston*, either of all or any, and which of them ? All the proof that I hear, comes from *Atterbury*, and the Clerk of the Council Mr. *Blathwaite*, which is but this : *Atterbury* says, that Sir *Samuel* should say, they were sent to the Post-house ; and Mr. *Blathwaite* says, he did not deny the publishing of them, but he does not say, he confessed it. As to the sending to the Post-house, if it be true, I shall leave it to your Lordship how far that, my Lord, can be a publishing of a Libel ; whether that be a publishing within the Information, or no ? A Gentleman writes a Letter to a private Friend, and sends it to the Post-house ; whether that be a publishing of a Libel, I leave it to you ? For the fourth Letter, this same trusty Secretary cannot tell you, whether he delivered it back again to Sir *Samuel*, or no ; or whether he put it in the window ; or whether he delivered it in at the Post-house, only, as he believes, he laid it in the window as he used to do other Letters. But whatever he believes must not pass for Evidence, especially in mat-

ters



ers of this nature, it being a great Crime, as the Information has set it forth. If then there is no proof (as with submission I hope there is not) of the publication of these Letters, I suppose, Gentlemen, you will not take it upon your Oaths, that he is Guilty of what he is here accused of without Evidence. This Information, Gentlemen, doth mention several things which do very much aggravate the matter, if they were proved. Many things are laid in it to induce the Information, and which may much enhance the Crime, but of which I see no manner of proof at all. Many things are mentioned as Facts leading to the main Fact, which is the great Offence; but these not being proved upon him, I desire he may be acquitted of that part.

*L. Ch. J.* What do you mean, *Mr. Williams*?

*Mr. Williams.* Of all your Preamble.

*L. Ch. J.* What Preamble do you mean?

*Mr. Williams.* That he being a Person of a turbulent and unquiet Spirit—

*L. Ch. J.* Why *Mr. Williams*, would you have the Jury find that he is not so?

*Mr. Williams.* My Lord, there is no proof of it; or that he did do it with a Design seditiously to disturb the Peace, that he did it with a seditious Intent.

*L. Ch. J.* You would have the Jury find, I warrant, that he did it piously, and with a good intent.

*Mr. Williams.* My Lord, there is a middle way—

*L. Ch. J.* No, no, *Mr. Williams*, Let us have none of that Doctrine, we must have a care of that, and your middle ways. For certainly the Law supplies the proof, if the thing itself speaks malice and sedition. As it is in Murder, we say always in the Indictment, He did it by the Instigation of the Devil: Can the Jury, if they find the Fact, find he did it not by such Instigation? No, that does necessarily attend the very nature of such an action, or thing. So, in Informations for Offences of this nature, we say, He did it falsely, maliciously, and seditiously, which are the formal words; but, If the nature of the thing be such as necessarily imports malice, reproach, and scandal to the Government, there needs no proof but of the Fact done,  
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the Law supplies the rest. If the Fact were indifferent in it self, then to make a Crime of it, the accidental Circumstances must be proved, but it needs not where the thing implies malice in its own nature. You would have the Jury find he had no ill Design in it; he did it with a good intent, I warrant you.

*Mr. Williams.* All I would ask, my Lord, is but this—

*L. Ch. J.* Do you think he did it to serve the Crown? If the Jury will take it upon their Oaths that Sir *Samuel Barnardiston* wrote these Letters to serve the Crown, you say something. Pray ask them that Question: Try if you can make them believe that, *Mr. Williams*.

*Mr. Williams.* There is no Evidence given about his malice.

*L. Ch. Just.* Yes, the very thing is Evidence of it self.

*Mr. Williams.* Pray, my Lord, let the Fact lye upon its own weight: There is no proof given of any of these aggravating things.

*L. Ch. Just.* How shall any man prove another mans malice, which is a thing that lies only in a mans mind? How should any man know that I am malicious against the Government, but by my Actions?

*Mr. Williams.* I lay it before your Lordship and the Jury.

*L. Ch. J.* No proof can be expected, but what the nature of every thing will bear.

*Mr. Williams.* Then I pray this, my Lord, that I may be at liberty next Term if we be convicted to urge this, and observe in mitigation of the Punishment, that there was nothing of these things proved.

*L. Ch. J.* Urge what you can in its proper time, but offer nothing here but what is fit to be offered.

*Mr. Williams.* Here are mentioned in this Information, (though it be by way of Inducement, yet they must be proved) things that are matters of Record, but they have proved none of them.

*L. Ch. J.* Have you any of those Records here, the Convictions of my Lord *Russel* and Colonel *Sidney*?

*Mr. Re.*



Mr. Recorder. Those things are so well known, I suppose they will not contest them.

Mr. Williams. Sir, I must lay hold on all advantages for my Client. You have made them part of your Case, pray prove them.

Mr. Recorder. Truly, My Lord, We did not think they would have made that any Question, and we have them not here. They know it well enough to be true.

Lord Ch. Just. If you have them not here, go and find them; if they insist upon it, you must prove them. I will stay till you fetch them.

Mr. Williams. My Lord, we would not hinder your Lordships business. —

Lord Ch. Just. No, no, It will be no hindrance, I will do something else in the mean time. This is a Cause of publick Example and Consequence, and I will give it all the fair hearing I can.

Mr. Williams. My Lord, If you please there is I suppose no such haste of Trying this Cause now, to hinder business and keep you here longer than needs. This Cause may as well be Tried the beginning of next Term.

Lord Ch. Just. No, no, I will make an end of it now, if I stay never so long for it; indeed the Defendant says, *I am down in the mouth*: 'Tis true, I have got a little hoarseness, but I thank God, my heart is not down, nor I hope never will be to serve the Government.

Mr. Williams. If they will, they shall find the Letters without the Records.

Mr. Jones. No, no, We must have the Records, though it is true, it is but matter of Form, yet we must prove our whole Case.

Lord Ch. Just. Well, I will stay till they are fetched. Let the Jury stand by, and I will go on and Try another Cause, and in the mean time fetch these Records. Do not make two journeys, but bring all that are mentioned in the Record.

*Then the Jury were set by, and the Court went on in some other Causes, and about an hour and a half after, the Records were brought, and this Cause was resumed, and Proceeded thus.*

*Lord Ch. Just.* Well come, Have you those Records now?

*Mr. Recorder.* Yes, Swear *Mr. Tindal.* (*which was done.*)

Is that a true Copy?

*Mr. Tindal.* Yes, it is a true Copy of the Indictment, Conviction and Attainder of my Lord *Russel.* I examined it with *Mr. Tanner.*

*Lord Ch. Just.* Well, put it in. (*And then a word of it was read by the Clerk.*)

*Mr. Recorder.* And here is the Record it self of the Attainder of Col. *Sidney.* (*which was some part of it read also.*)

*Lord Ch. Just.* What say you now to it, Gentlemen, for the Defendant?

*Mr. Thompson.* My Lord, I have nothing more to say, than has been said.

*Lord Ch. Just.* All this was well enough known.

*Mr. Jones.* Ay, but they would give the Court all the trouble they could, by making them send for that, which they could not deny.

*Lord Ch. Just.* Gentlemen of the Jury, Here is an Information exhibited against Sir *Samuel Bernardiston*, and the Information sets forth this matter. It doth take notice of a horrid Conspiracy, a damnable Conspiracy, lately hatched and set on foot for the Destruction of the King, and for the Subversion of the Government, That there were divers Persons who were Indicted, and stood Convicted, and were afterwards Executed for this horrid Conspiracy. Among the rest, there is notice taken of my Lord *Russel* for one, and Colonel *Sidney*, (he went by that name, *Algernon Sidney* I mean) for another, to be two of those Conspirators that were engaged in that damnable Conspiracy for the Destruction of the King, and Subversion of the Government.

Now Gentlemen, That these Persons according to the inducement of this Information, were so Indicted, so Attainted and Executed (as far forth as is recited in the Information) is proved to you by the two Records, which the Counsel on the other side insisted to have shewn, and which have been now produced. The one is sworn to be a true Copy of the Conviction and Attainder of my Lord *Russel*, and the other which they produced was the Record it self of the Conviction and Attainder of *Sidney.* So that, as to that part it is plain, they

they were Convicted and Attainted, both the one and the other, as Actors in that Hellish Plot.

The next thing, Gentlemen, and which was so much insisted upon by the Defendants Counsel, is this : The Information takes notice that the Defendant Sir Samuel Bernardiston, being a man of a Factionous, Seditious, Disaffected temper towards the Government, a man of ill Principles, in order to disturb, disquiet, and discompose the Government, he did cause several Letters, Four in Number, to be Writ and Published, which Letters have been read unto you.

It hath been objected, That in as much as the words, Falsly, Seditiously, Maliciously, Factionously, and the like words are in the Information, they would have you believe, That there being no Evidence of any such thing, as Faction, Malice and Sedition, or that the man did it Maliciously, and Advisedly and Seditiously (which are the words in the Premises, as I may call them, or the Preamble of the Information) therefore they must be acquitted of that part. Now as to that, I told them then, and tell you now, Gentlemen, That no man living can discover the malicious evil Designs and Intentions of any other man, so as to give Evidence of them, but by their words and actions. No man can prove what I intend, but by my words and actions. Therefore if one doth compass and imagine the death of the King, that by our Law, is High Treason; but whether or no he be guilty of this Treason, so as to be convicted of it by another, is not proveable, or discoverable, but by some words or actions, whereby the Imagination may be manifested. And therefore my imagining, my compassing, which is private in my own mind, must be submitted to the Judgment that Reason and the Law passeth upon my words or actions, and then the action it self being proved, that discovers with what mind the thing was done; as in the Case I put before to the Counsel. Suppose any man without provocation kill another, the words of the Indictment are, That he did it Maliciously, Feloniously, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil. Now all these things, whether he had the fear of God before his eyes, or not; or whether he were moved by the instigation of the Devil, and of his Malice fore-  
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thought or no ; these cannot be known, till they come to be proved by the action that is done.

So that in case any Person doth write Libels, or publish any expressions which in themselves carry Sedition and Faction, and ill will towards the Government ; I cannot tell well how to express it otherwise in his Accusation, than by such words, that he did it Seditiously, Factiously, and Maliciously. And the proof of the thing it self, proves the evil mind it was done with. If then, Gentlemen, You believe the Defendant, Sir *Samuel Bernardiston*, did write and publish these Letters, that is proof enough of the words, Maliciously, Seditiously, and Factiously, laid in the Information.

The Letters are Factious, Seditious, and Malitious Letters, and as base as the worst of Mankind ( though he had had all the Provocation that ever could be given a man to Libel another) could ever have invented. And let Sir *Samuel Bernardiston* put it under the Countenance, or under the Umbrage, or under the Enamel of his Zeal for the true Protestant Religion, if he will ; or if he have a mind to it, to give himself any fine Name, by calling himself one of the Sober Party, or the Godly Party, or the Upright Party ; let him gild himself, and paint himself as he pleaseth, yet the inside is Rotten, and 'tis Factious and Seditious at the bottom to all intents and purposes whatsoever. And if he be Guilty of it, as you Gentlemen are to Try and Consider, the greater the Man is, the greater the Crime, and the more Understanding he has, the more Malitious he seems to be : For your little ordinary sort of People, that are of common mean understanding, they may be wheedled and drawn in, and surprized into such things ; but Men of a publick Figure, and of some Value in the world, that have been taken to be Men of the greatest Interest and Reputation in a Party, it cannot be thought a sudden surprize upon them, no 'tis a work of time and thought, 'tis a thing fixed in his very Nature, and it shews so much venome, as would make one think the whole Mass of his Blood were corrupted. I had thought the Act of Oblivion might have put Sir *Samuel Bernardiston* in mind, That it was not fit any more to go down to *White-Hall*, to make Uproars, and Tumults, and Hubbub's.

But



But here is the matter that he now is accused of, and here is in it malice against the King, malice against the Government, malice against both Church and State, malice against any Man that bears any share in the Government, indeed malice against all Mankind that are not of the same perswasion with those bloody Miscreants, (I cannot give them a milder Name) I mean the Conspirators in the late damnable Conspiracy, some of whom have been Attainted and Executed for it. Here is the Sanctifying of Traitors, that were justly Sentenced to Execution according to the Law of the Land, and at the same time there is joyned with it the most inveterate Insinuation against the Government that can be, as though the King was prevailed with upon a *sham Protestant Plot*, to do things in order to destroy the Government it self, and every one of the *Sober Party*, as they call themselves. For these persons could not have suffered, but as Condemned according to the Rules of Law, but these Letters carry an Insinuation as if they were cut off by a *Sham Trick* and design. For after the good News of the Reprieve of *Sidney* was contradicted, the Warrant for his Execution is taken notice of, and you see the manner of expression that is used, *their Party has prevailed*, as though the putting the Laws in Execution, and Hanging of Traitors, were such a thing, that a Party must be set up to prevail to do it, and Mankind must be divided into Parties, their Party and our Party, and the contrary Party, they have prevailed, and truly now our Party, the *Sober Party*, as he calls it, are in a very sad condition.

Then here is, as I said, the Sainting of Two horrid Conspirators; here is the *L. Russel* Sainted, that blessed Martyr, my *L. Russel*, that good Man, that excellent Protestant, he is lamented, and what an extraordinary Man he was, who was fairly Tryed, and justly Convicted and Attainted, for having a hand in this horrid Conspiracy against the Life of the *KING*, and his dearest Brother His *ROYAL HIGHNESS*, and for the subversion of the Government. And here is *Mr. Sidney* Sainted, what an extraordinary Man he was, yes surely, he was a very good Man, because you may some of you remember, or have read the History of those times,

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and know what share Mr. Sidney had in that black and horrid Villany, that cursed Treason and Murder, the Murder I mean of King *Charles* the First of Blessed Memory, a shame to Religion it self, a perpetual reproach to the Island we live in, to think that a Prince should be brought by pretended Methods of Law and Justice to such an end at his own Palace. And 'tis a shame to think, that such bloody Miscreants should be Sainted and lamented, who had any hand in that horrid Murder and Treason, and who to their dying Minutes, when they were upon the brink of Eternity, and just stepping into another world, could confidently bless God for their being ingaged in that **Good Cause**, (as they call it) which was the Rebellion, which brought that Blessed Martyr to His Death. It is high time for all Mankind, that have any Christianity or sense of Heaven or Hell, to bestir themselves, to rid the Nation of such Caterpillars, such Monsters of Villany as these are.

Nay, In these very Letters is contained the very Language of that cursed Murderer and Traitor *Walcot* himself, *That God Almighty in his own time would raise up Instruments*. I know, Gentlemen, you have heard and read what that bloody Traitor said to that effect; and you hear what expressions like it are in these Letters, *I am sorry for the death of our friend, honest Mr. John Wright, but God can easily raise up Instruments to do his own work*; the very Language of *Walcot*. And I would have you take notice of it Mr. *Blackerby*, for I would have you take warning by these things. [Speaking to a Gentleman that was taking Notes.]

Mr. *Blackerby*. My Lord, I have neither said nor done any thing that should give you occasion to speak thus to me.

Lord Ch. Just. These Letters tell you, *God will be sure to raise up Instruments*, but what Instruments do they mean? Instruments of Rebellion, and Faction, and Sedition, which they most falsely call, *his own work*. For it is that Monstrous Sin Rebellion that they mean by it, Instruments of Treason, under pretence of fighting for God Almighty they would fain be fighting against the Government. It was the Language of the former times, wherewith they destroyed the best

best of Kings, and subverted the best of Governments for a time, and were very near having totally destroyed three Kingdoms, under pretence of doing God good service. And when once a People pursue such Principles, and under the pretence of Religion, endeavour to destroy Monarchy and Government it self, it is high time for all honest men to look about them.

Nay, and you may observe, Gentlemen, another thing in these Letters, it is not only the destruction of the Civil Government, the King and those that are in Authority near Him that are aimed at, but all Persons that come with humble Representations of their Loyalty to Him, all that Address themselves to the King to shew their Duty, and their dislike of that damnable Design and Conspiracy against Him. For now (says Sir Samuel Bernardiston) all the Sham Plot is quite blown off, and we cannot find any here, 'tis lost except you can find it among the Addressers and Abhorers in the Countrey, or among a parcel of Clergy-men.——So that all Mankind, that ever thought themselves obliged to congratulate that blessed and happy Deliverance, either to own our Thankfulness to God for it, to whom we owe more than we are able to pay for his great Mercy to us therein, or to express our Joy to the King, in humble Addresses, Congratulating His Deliverance from the horrid Conspiracy lately designed against Him, His Brother, and the Government; these Gentlemen, because they are Loyal Subjects, and desire to shew themselves so, must be branded with the Names of *Abhorers*, *Torys*, *Addressers*, *Sham-Plotters*, and all the Ignominy they can lay upon them. This shews it was not only aimed at the Civil Magistracy, but at all that dare be honest and oppose Faction and Rebellion.

As for any thing that he has said of me, Sir Samuel Bernardiston shall write and speak of me as long as he pleases. But though he says, *I am down in the mouth*; it is true, I have a little lost my Tongue by my cold, yet I hope I shall never lose my Heart nor Spirit to serve the Government, nor forbear to use my utmost diligence to see that such Offenders as these Persons, that entertain Principles so destructive to the Government, be brought to condign punishment. And be



they who they will, were they my own Brothers, I should be of the same mind, and in that mind I hope in God I shall live and dy.

*Gentlemen*, the question before you is, whether the Defendant be guilty of Writing these Malicious, Seditious Letters; for that they are Malicious and Factious, no honest Man can doubt in the least, and I do not find that the Counsell for the Defendant do offer to say any thing in defence of the Letters, or can say, but that they are as venomous Malicious, Seditious, Factious, Tumultuous Letters as can be Written, and I must tell you, tread very near upon the Borders of High Treason it self. I am sure I may venture to call it *Cozen German* to *High Treason*.

Now that he did Write and publish them, you have this proof before you: Mr. *Blathwaite* tells you, That Sir *Samuel* did own three of them, acknowledge them to be his own Writing before His Sacred Majesty in Council. *Atterbury* the Messenger says, he was by too when he did before the King acknowledge the Writing of those Three Letters. As to the Superscription to one of those Three Letters, you have the testimony of *Osland*, the young Man that lived with Sir *Samuel Bernardiston*, he Swears he Writ it by his direction, being his Servant. And as to the Fourth Letter, this young Man does directly swear, that the Original he Copied it by (for it is his Writing) he had from Sir *Samuel Bernardiston*, and 'twas of Sir *Samuel's* own Writing, (which he knows well, being acquainted with his Hand) and that Sir *Samuel* expressly directed him to Copy it out, which he did by his Command, and this is the same Letter; and so though 'tis not under his hand, yet it is under his Mans, and Written by his direction. And he says he does believe the other Three to be his Hand Writing. So as to the Dictating and Writing of these Letters, you have as full and as plain a proof as can be made.

And as to his Publishing of them, which is another part of the Information, and of which Mr. *Williams* said there was no proof, I would say but this to you. Is it not very preposterous, absurd and senseless, to think that ever it should enter into any Mans imagination, that Sir *Samuel Bernardiston* would



would take such a wonderful deal of pains and care to Write these Letters to Sir *Philip Skippon*, and to the other Two Men, to tell them of his endeavours to take off Mr. *Kedders* scruples, and perswade him to go down to *Ipswich*, and to desire them to take care of the *Sober Party*, and endeavour to get *Sober Men* into play, and all will do well, and that the Duke of *Monmouth* had denied all the Plot, and so given the lye to the King and the Courts of Justice, and now there was a door opened for *Sober Men* to come in, and God would raise up Instruments, and the *Sober Party* will up again. Do you think, I say, he would Write all this Fustian stuff, (for I can call it no better than stuff, though it be very malicious stuff) and carry to his Man to Copy out, and Superscribe them and Seal them, only to put them in his Pocket? If you can believe this, upon my word you have a Faith able to remove great Mountains; but I assure you my Faith cannot get to that strength.

But for further Proof of the publishing, you hear what the young man that was the Defendants Servant says. He tells you the usual way of dealing with Sir Samuel's Letters was this, There was a Window near Sir Samuel's Closet, and when the Letters were Sealed up, they were used to be put there in order that the Boy according to the usual course might carry them to the Post-House. And he doth believe these Letters (though he cannot Particularly and Positively speak to them) were so used.

Besides all this, you have it by *Atterbury* Positively Sworn, that about the same time that Sir Samuel Bernardiston did acknowledge before the King, that he Writ those Letters, being in his Custody, he did say they were sent to the Post-house, and he wondred how they came by 'em. That proves it was done by his privy. And beyond all there is this Circumstance, that the thing speaks it self, they are directed to Men at *Ipswich*, where Sir Samuel Bernardiston is known to have a correspondence, they take notice of the receipt of Letters from thence, and of the Death of Mr. *Wright*, mentioned in those Letters, which shews them to be Answers to Letters received, and must not these think you be sent, but kept still in his Pocket? There is notice also taken in them,

of their Country affairs: Though they seemed to have met with some disappointment in such a business about Mr. Kedder, yet they were resolved to go on, and desires them to communicate this business of Mr. Kedder and Dr. Clegitt, to such and such of our friends, and desire them to bestir themselves, and get in Sober Men, such as Mr. Kedder among them. For it is mightily for our advantage, that there should be Sober Men brought into play at Ipswich, and pray be sure to keep the Sober Party up. These things in their own nature speak, that these Letters were intended and Written, in order to preserve a correspondence between those of the Sober Party in Ipswich, and their friends here, and therefore you may easily conclude what was to be done with them.

So that, Gentlemen, this Information surely (if ever any was) is fully proved, as it is laid in all the parts of it.

I would not have given you so much trouble at this time in an Affair of this Nature, that has been so evidently proved, because your Question that you are to Try, is only, Whether the Defendant be Guilty of this Offence, or not Guilty? (You are not to inflict the Penalty, that is the Province of the Court above;) but only because I see it is a matter of great Expectation and Consequence. I would not we should be gulled twice in one Age, by the self-same Men, and the self-same Way, into the same Treason and Rebellion, and all those other Mischiefs, that dreadful Chaos and State of Confusion, Misery and Destruction, that we were brought into in the late Times. And that has made me take so much notice now in this Place of the Tendency of Things of this Nature, that we may learn to beware of, and know these Men that carry Sheeps cloathing, pretend Zeal and Religion, but their Insides are Wolves. They are Traitors in their Minds, whatsoever they are in their outward pretences.

*Then the Jury laid their Heads together in the place where they stood, and being presently after agreed upon their Verdict, the Foreman gave it in,*

*That the Defendant Sir Samuel Bernardiston was Guilty of the Offence and Misdemeanour Charged on him by the Information.*

*Which Verdict was Recorded by the Clerk.*

